

CHICAGO LEGAL CLINIC, INC.

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Carrie Huff, President
Edward Grossman, Executive Director
Marta C. Bukata, Deputy Director *
Keith L. Harley – kharley@kentlaw.iit.edu
Greta M. Dounanian
Avani Kamdar

Downtown Office:
211 W. Wacker Dr.
Suite 750
Chicago, IL 60606
Phone (312) 726-2938
Fax (312) 726-5206

* also admitted in Indiana

March 10, 2016

Regional Freedom of Information Officer
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

U.S. EPA Region 5 Freedom of Information Officer:

Please be advised that I represent Delia Barajas, a resident of Cicero, Illinois. Ms. Barajas has organized several residents of Cicero, Illinois to address environmental justice issues in her community. Along with Ms. Barajas, these Cicero residents are dedicated to ensuring that regulated entities and regulators act in compliance with the environmental laws designed to protect the health, safety and welfare of members of the public. Currently, Ms. Barajas and her neighbors are particularly interested in acquiring information about the remediation and reuse of former industrial and commercial properties in Cicero.

On behalf of Ms. Barajas and pursuant to the Freedom of Information Act, 5 U.S.C. Sec. 552, I request copies of any and all documents in your files gathered in fulfillment of a brownfields assessment grant and any and all documents generated through such grant-funded activities. This grant (attached) was given to the town of Cicero in 2004. It consisted of a \$200,000 dollar hazardous substance fund used to conduct community outreach activities, to create an inventory of brownfield sites, and to develop cleanup strategies for sites selected for redevelopment. It also consisted of a \$150,000 petroleum fund used to conduct site assessments at locations known to have had petroleum.

Pursuant to the Freedom of Information Act, 5 U.S.C. Sec. 552(a)(4)(A), I request a waiver of any and all fees which you incur in meeting our request. Ms. Barajas is entitled to a fee waiver because she will use the requested information in the public interest of the town of Cicero, and will not use the requested information to further any profit-seeking venture. In considering this fee waiver request, U.S. EPA should consider the following six factors:

- 1) The records sought concern the operations or activities of the government because the requested documents shed light on how U.S. EPA and Cicero officials identify, inventory, remediate and reuse former industrial and commercial sites in Cicero, Illinois.
- 2) Ms. Barajas plans to use the requested documents to investigate whether former industrial and commercial sites in Cicero are in compliance with the environmental laws by which they are governed. Such an investigation will contribute to an increased public understanding of whether U.S. EPA and Cicero officials are fulfilling their role as the regulating entities of such sites. Moreover, Ms. Barajas cannot reasonably obtain the requested information from the public domain.
- 3) Ms. Barajas plans to use the requested documents to raise awareness of the environmental risks in Cicero that pose a threat to the health, safety, and welfare of members of the community. Ms. Barajas intends on making this information available to the community and general public by disseminating it through meetings, newsletters, and other related media. By providing this information to this audience that will find it most useful and beneficial, the public at large will also benefit.
- 4) Disclosure of the requested information will better enhance the public's understanding of U.S. EPA's activities and operations compared to the current level of public understanding because this information is not available in the public domain. Moreover, by having access to this information, Ms. Barajas and her neighbors will gain a well-grounded understanding of conditions of former industrial and commercial sites in their town, including the nature and extent of contamination that may affect their health, safety and well-being.
- 5) Ms. Barajas, a resident of Cicero, Illinois, along with several other Cicero residents, is dedicated to raising awareness about environmental justice issues in her town. Her primary goal is to identify whether there are any health or safety risks that may be affecting the community. Accordingly, Ms. Barajas will exclusively use the requested information to further this goal. Ms. Barajas does not plan to use the information to further *any* commercial interest.
- 6) Ms. Barajas does not have any commercial interest. Therefore, the identified public interest in the disclosure is paramount.

Your agency has twenty working days to respond to this request. However, if there is any problem with this request or the fee waiver, please notify me before you proceed. Ms. Barajas is willing to accept electronic versions of documents. If documents are mailed, please send them to my attention at the letterhead address.

If the request is denied in whole or in part, I request a formal determination which explicitly refers to the statutory basis for your denial, and which describes Ms. Barajas' rights to appeal within your agency.

Thank you for your time and anticipated cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Keith Harley".

Keith Harley
Attorney at Law



Brownfields 2004 Assessment Grant Fact Sheet

Cicero, IL

EPA Brownfields Program

EPA's Brownfields Program empowers states, communities, and other stakeholders to work together to prevent, assess, safely clean up, and sustainably reuse brownfields. A brownfield site is real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. On January 11, 2002, President George W. Bush signed into law the Small Business Liability Relief and Brownfields Revitalization Act. Under the Brownfields Law, EPA provides financial assistance to eligible applicants through four competitive grant programs: assessment grants, revolving loan fund grants, cleanup grants, and job training grants. Additionally, funding support is provided to state and tribal response programs through a separate mechanism.

Community Description

The Town of Cicero was selected to receive a brownfields assessment grant. Cicero (population 85,616) is a high density-suburb of Chicago with a rapidly growing, mostly minority population. Approximately 77 percent of the town's residents are Hispanic. The unemployment rate is almost 10 percent, and 15.5 percent of residents have incomes at or below the poverty level. The three census tracts that make up the target area (total population 25,791) are almost twice as densely populated as the city, and the average income is 10 percent below the city's level. There are many underutilized and vacant properties in the target area, one-half to two-thirds of which are zoned for industrial use. The city would like to redevelop these properties for commercial/retail, residential, and greenspace uses that would better fit the needs of the community.

Assessment Grant

\$200,000 for hazardous substances

\$150,000 for petroleum

EPA has selected the Town of Cicero for a brownfields assessment grant. Hazardous substances grant funds will be used to conduct community outreach activities, inventory and prioritize brownfields sites located within the 1.2-square-mile target area, conduct Phase I and Phase II site assessments on selected sites, and develop cleanup strategies for sites selected for redevelopment. Petroleum grant funds will be used to perform Phase I and Phase II site assessments at locations known to have had.

Contacts

For further information, including specific grant contacts, additional grant information, brownfields news and events, and publications and links, visit the EPA Brownfields Web site (<http://www.epa.gov/brownfields>).

EPA Region 5 Brownfields Team

(312) 886-7576

EPA Region 5 Brownfields Web site

(<http://www.epa.gov/R5Brownfields>)

Grant Recipient: Town of Cicero, IL

Cicero, IL

(972) 205-3454 ext 448

Town of Cicero

(708) 656-3600 ext 448

The information presented in this fact sheet comes from the grant proposal; EPA cannot attest to the accuracy of this information. The cooperative agreement for the grant has not yet been negotiated. Therefore, activities described in this fact sheet are subject to change.